

R.D. # 0020-99
Dayton, NJ

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

RIDGE SERVICES, INC.

Employer

and

CASE 22-RC-11805

**LOCAL 116, PRODUCTION AND
MAINTENANCE EMPLOYEES UNION¹**

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein referred to as the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding,² the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.³

¹ The name of the Petitioner appears as amended at the hearing.

² The Intervenor's facsimile transmission of its brief dated October 4, 1999, is rejected as it fails to comport with Section 102.114(g) of the Board's Rules and Regulations, that provides, *inter alia*, that briefs

3. The labor organizations involved claim to represent certain employees of the Employer.⁴
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.⁵
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act :

All full-time and regular part-time warehouse employees employed by the Employer at its Dayton, New Jersey, Edison, New Jersey and Secaucus, New Jersey facilities, excluding all office clerical employees, professional employees, maintenance employees, sales employees, guards and supervisors as defined in the Act.⁶

are unacceptable if submitted by facsimile transmission. No other briefs were filed.

³ Although the Employer did not appear at the hearing in this matter, the parties agreed that the facts as described in a Questionnaire on Commerce Information accurately described the Employer's operations. In this connection, the Employer is a New Jersey corporation, engaged in the warehousing and distribution of garments at its Dayton, Edison and Secaucus, New Jersey facilities, its only facilities involved herein. During the preceding twelve months, the Employer derived revenues in excess of \$50,000 from customers within the State of New Jersey who are directly engaged in interstate commerce. Accordingly, I find that the Employer is engaged in commerce within the meaning of the Act. *Siemons Mailing Service*, 122 NLRB 81 (1959).

⁴ Plastic, Metal, Trucking, Warehouse & Allied Workers Union, UNITE-Local 132-98-102, herein the Intervenor, was permitted to intervene based on its collective bargaining relationship with the Employer covering the employees sought in this petition. The parties stipulated and, I find, that the Intervenor is a labor organization within the meaning of Section 2(5) of the Act. The status of the Petitioner as a labor organization within the meaning of the Act will be discussed *infra*.

⁵ The parties agree that there is no contract bar or other bar to an election in this matter.

⁶ The unit description is in accord with the agreement of the parties which I find to be appropriate for purposes of collective bargaining. There are approximately 460 employees employed in the unit.

The Intervenor declined to stipulate that the Petitioner is a labor organization under the Act. With regard to the labor organization status of the Petitioner, there are essentially only two requirements for a party to meet to achieve the status of a labor organization as defined by Section 2(5) of the Act: first, it must be an organization in which employees participate; and second, it must exist for the purpose, in whole or in part, of dealing with employers concerning wages, hours, and other terms and conditions of employment. *Alto Plastics Manufacturing Corp.*, 136 NLRB 850 (1962). In this regard, the record reveals that employees have participated in the Petitioner by attending monthly meetings, formulating demands for collective bargaining negotiations and ratifying collective bargaining agreements. Further, the record discloses that the Petitioner has dealt with various employers concerning wages, rates of pay, hours and working conditions on behalf of employees it represents and has entered into collective bargaining agreements with 25 to 30 employers. The record also discloses that the Petitioner has processed grievances on behalf of employees it represents. In these circumstances, I find the Petitioner to be a labor organizations under Section 2(5) of the Act. *Ana Colon, Inc.* 266 NLRB 611, 612 (1983); *Alto Plastics Manufacturing Corp.*, *supra*.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to issue subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are

employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **Local 116, Production and Maintenance Employees Union; Plastic, Metal, Trucking, Warehouse & Allied Workers Union, UNITE-Local 132-98-102; or Neither.**

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, three (3) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). In order to be timely filed, such list must be received in NLRB Region 22, 20 Washington Place, 5th Floor, Newark, New Jersey 07102, on or before October 12, 1999. No

extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by October 19, 1999.

Signed at Newark, New Jersey this 5th day of October 1999.

/s/ Gary T. Kendellen

Gary T. Kendellen, Regional Director
NLRB Region 22
20 Washington Place, 5th Floor
Newark, New Jersey 07102

177-3925-2000
260-3320-5000